

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DeANDRE D. HARRIS,

Petitioner,

v.

WILLIAM GITTERE, *et al.*,

Respondents.

Case No. 2:22-cv-00661-ART-NJK

ORDER

In this habeas corpus action, the Court has set a hearing, for oral argument regarding Respondents' motion to dismiss; that hearing was set for March 6, 2025. (ECF No. 44.) On February 27, 2025, Respondents filed a Motion to Continue Hearing, requesting that the hearing be continued to an unspecified date. (ECF No. 45.) Respondents' counsel represents that Petitioner DeAndre Harris, who is represented by appointed counsel, does not oppose that motion.

Respondents' counsel explains that the continuance is necessary because of serious personal health issues. (*Id.* at 2.) Respondents' counsel also explains:

Additionally, just this week and in the course of preparing for the hearing, counsel received information from the Nevada Department of Corrections directly bearing on equitable tolling, which this Court indicated will be the primary focus of the hearing. This information necessitates that Respondents move this Court for leave to amend their reply at ECF No. 43, and the information will assist the Court in deciding Respondents' motion to dismiss. Counsel anticipates filing the motion by Tuesday, March 4, 2025.

(*Id.*)

While the Court does not at all countenance Respondents' late proffer of information allegedly relevant to the motion to dismiss, the Court does find that Respondents' motion to continue the hearing is made in good faith and not solely for the purpose of delay, and that there is good cause to grant it. The Court will continue the hearing, will grant leave of court for Respondents to file a

1 supplement to their reply in support of their motion to dismiss (not an amended
2 reply) along with supporting evidence, and will grant Harris an opportunity to
3 respond.

4 It is therefore ordered that Respondents' Motion to Continue Hearing (ECF
5 No. 45) is granted. The hearing set for March 6, 2025, will be continued to March
6 24, 2025, at 2:00 p.m.

7 It is further ordered that Respondents are granted leave of court to file a
8 supplement to their reply in support of their motion to dismiss. Respondents will
9 have until and including March 4, 2025, to file that supplement to their reply.
10 Harris will then have until and including March 14, 2025, to file a response to
11 the supplemental reply.

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13 Dated this 28th day of February 2025.

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16 ANNE R. TRAUM
17 UNITED STATES DISTRICT JUDGE
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